

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 11, 26-29, and 36-39 are currently pending. Claims 30-35 have been canceled without prejudice; and Claims 11, 36, 37, and 39 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 11 and 26-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,880,851 to Imada (hereinafter “the ‘851 patent”) in view of U.S. Patent No. 5,812,900 to Hashimoto et al. (hereinafter “the ‘900 patent”), U.S. Patent No. 4,448,515 to Ishikawa (hereinafter “the ‘515 patent”), and U.S. Patent No. 6,353,482 B1 to Abe et al. (hereinafter “the ‘482 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on September 11, 2003, at which time a proposed amendment to Claim 11 was discussed. During the interview, the Examiner indicated that the proposed amendment would likely overcome the applied references. However, no agreement on the patentability of the claims was reached, pending the Examiner’s further consideration of the claims upon formal submission of response to the outstanding Office Action.

Amended Claim 11 is directed to an operation and display section of an operation unit for an image forming apparatus, comprising, *inter alia*: (1) a touch screen panel substantially centered on the operation unit; (2) numeral keys and an enter key located at a right hand side of the touch screen panel; (3) a clear stop key located to a right hand side of the numeral keys and the enter key; and (4) a *multifunctional* set/counter key located to a top left-hand side of the touch screen panel, *the set/counter key configured to vary initial set values and operating conditions in accordance with conditions of use*. Note that Claim 11 has been amended in

accordance with the proposed amendment discussed in the interview of September 11, 2003.

The changes to Claim 11 are supported by the originally filed specification and do not add new matter.¹

Regarding the rejection of Claim 11 under 35 U.S.C. § 103, the Office Action asserts that the '851 patent discloses everything in Claim 11 with the exception of an enter key, a program key, a set key, a trial copy key, a copy key, a copy server key, a printer key, and a set/counter key, and relies on the '900, '515, and '412 patents to remedy those deficiencies. Further, the Office Action asserts that "the set key which is also known as a counter key or a set/counter key in this context [is] generally used to refer to a same function which is to allow a user to set a desired number/count of copies to be made."²

The '851 patent is directed to an image processing apparatus having a counter key 62 located on the left side of a keyboard/display device 3.³ However, as admitted in the Office Action, the '851 patent fails to explicitly disclose a set/counter key. Moreover, the '851 patent fails to disclose that the counter key 62 is a *multifunctional key configured to vary initial set values and operating conditions in accordance with the conditions of use*, as recited in amended Claim 11. Moreover, Applicants respectfully submit that the claimed set/counter key is not equivalent to a single-function set key or a single-function counter key.

Turning now to the secondary references, Applicants respectfully submit that each of the '900, '515, and '482 patents fail to disclose the set/counter key recited in amended Claim 11.

Thus, no matter how the teachings of the '851, 900, '515, and '482 patents are combined, the combination does not teach or suggest a *multifunctional set/counter key configured to vary initial set values and operating conditions in accordance with the*

¹ See, e.g., page 7, lines 6-9 of the specification.

² See the Office Action of July 29, 2003, page 3.

³ '851 patent, Figure 3.

conditions of use, as recited in amended Claim 11. Accordingly, Applicants respectfully submit that the rejection of Claim 11 (and dependent Claims 26-29) is rendered moot by the present amendment to Claim 11.

Applicants respectfully submit that the rejection of Claims 30-35 is rendered moot by the present cancellation of those claims.

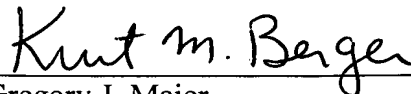
Independent Claims 36, 37, and 39 recite limitations analogous to the limitations recited in amended Claim 11. Moreover, Claims 36, 37, and 39 have been amended in a manner analogous to the amendment to Claim 11. Accordingly, for the reasons stated above for the patentability of Claim 11, Applicants respectfully submit that the rejection of independent Claims 36, 37 (and dependent Claim 38), and 39 are rendered moot by the present amendment to those claims.

Thus, it is respectfully submitted that independent Claims 11, 36, 37, and 39 (and all associated dependent claims) patentably define over any proper combination of the '851, '900, '515, and '482 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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